

Application No.: 09/828,444
Attorney Docket No.: 20807-0003

D) AMENDMENTS TO THE DRAWINGS

None.

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E) REMARKS

This Response is filed in response to the Office Action dated January 11, 2005.

Upon entry of this Response, claims 44-80 will be pending in the Application.

In the outstanding Office Action, the Examiner rejected claims 44-80 under 35 U.S.C. 102(c) as being anticipated by Anandan et al. (U.S. Patent Application Publication No. 2002/0062251).

Rejection under 35 U.S.C. 102

The Examiner rejected claims 44-80 under 35 U.S.C. 102(c) as being anticipated by Anandan et al. (U.S. Patent Application Publication No. 2002/0062251, hereinafter referred to as "Anandan." It is noted that in the outstanding office action the Examiner has identified the reference as Ananda et al. with a publication number of 2003/0021242, which identification information is believed to be in error based on the information in the Notice of References Cited supplied by the Examiner.

Specifically, the Examiner stated that

5. As per claim 44 and 63, Ananda et al teach a system (*fig. 1*) for providing personalized information (*targeted electronic communication*) to a user (*Panel member, 700*) in a commercial establishment, the system comprising at least one database storing information related to a user, a portable display unit operated by a user in a commercial establishment, the portable display unit having a unique identifier, and the portable display unit comprising a transceiver at least one database, a user interface, a display screen, a microprocessor, and at least one program executable by the microprocessor to enable the portable display unit to receive, store, and display information to a user in a commercial establishment a location tracking system to determine a location of the portable display unit in a commercial establishment, a server computer the server computer being in communication with the location tracking system and the at least one database and the server computer being configured to generate personalized information for a user in a commercial establishment based on the location of the portable display unit and the information related to a user stored in the at least one database; and at least one transceiver in communication with the server computer for transmitting the personalized information generated by the server computer to the portable display unit (*see abstract, paragraphs 0003, 0007, 0009, 0011, 0012, 0013, 0026, 0027, 0028, 0035, 0037, 0041, 0043, 0044, 0062, 0065, 0069*)

Applicants respectfully traverse the rejection of claims 44-80 under 35 U.S.C. § 102(c).

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Anandan, as understood, is directed to a system and method for conducting consumer research and marketing using wireless technologies. The system for communicating with a consumer includes a wireless identification device associated with the consumer at a premises, a wireless identification device detector to communicate with the wireless identification device, a first computer in communication with the wireless identification device detector for identifying the consumer associated with the wireless identification device, a wireless reception device associated with the consumer, and a second computer in communication with the first computer, for transmitting a message to the wireless reception device, the content of the message being responsive to the premises' identity or responsive to the premises' contents. The message to the consumer includes prompts to elicit information from the consumer relating to the premises, a customer satisfaction survey, a product promotion, a link to an Internet page, alphanumeric text, or a voice message.

In contrast, independent claim 44, as amended, recites a system for providing personalized information to a user in a commercial establishment, the system comprising: at least one database storing information related to a user; a plurality of portable display units located in a commercial establishment for use by a plurality of users in a commercial establishment, each portable display unit of the plurality of portable display units having a unique identifier, and each portable display unit comprising a transceiver, a memory device, a user interface, a display screen, a microprocessor, and at least one program executable by the microprocessor to enable receiving, storing and displaying of information to a user in a commercial establishment, wherein a user activates a portable display unit of the plurality of portable display units to operate in a commercial establishment by providing identifying information; a location tracking system to determine a location of the activated portable display unit in a commercial establishment; a server computer, the server computer being in communication with the location tracking system and the at least one database and the server computer being configured to generate personalized information for a user in a commercial establishment based on the location of the activated portable display unit and the information related to a user stored in the at least one database; and at least one transceiver in communication with the server computer for transmitting the personalized information generated by the server computer to the activated portable display unit.

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Independent claim 68, as amended, recites a method of providing personalized information to a user in a commercial establishment, comprising the steps of: providing a plurality of portable display units for use by a plurality of users in a commercial establishment; storing information related to a user in at least one database; activating, by a user, a portable display unit of the plurality of portable display units to operate in a commercial establishment by providing identifying information; determining a location of a user in a commercial establishment with a location tracking system; generating personalized information for a user in a commercial establishment based on the location of a user in a commercial establishment and the information related to a user stored in the at least one database; and transmitting the generated personalized information to the portable display unit operated by a user in a commercial establishment, the portable display unit having a transceiver, a memory device, a user interface, a display screen, a microprocessor, and at least one program executable by the microprocessor to enable the portable display unit to receive, store, and display the personalized information to a user in a commercial establishment.

To begin, the examiner is reminded that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).” *See* Manual of Patent Examining Procedure, 8th Edition (MPEP), Section 2131.

Several of the features recited by Applicant in independent claims 44 and 68 are not taught or suggested by Anandan. First, Anandan does not teach or suggest a plurality of portable display units located in a commercial establishment for use by a plurality of users as recited in independent claims 44 and 68. The system in Anandan either provides the consumer with a personal device having an affixed tag in advance of the consumer entering the store (*See* Anandan, paragraph 0031) or attaches the tag to the consumer’s own personal wireless device (*See* Anandan, paragraphs 0044 and 0045). Thus, the system in Anandan does not disclose a plurality of portable display units in a commercial establishment for use by a plurality of users as recited by Applicant in independent claims 44 and 68 and in fact, has no need for a plurality of portable display devices in the commercial establishment because each participating user in Anandan already has a personal device before entering the commercial establishment. Therefore,

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since Anandan does not disclose a plurality of portable display units located in a commercial establishment for use by a plurality of users, Applicant submits that Anandan cannot anticipate Applicant's independent claims 44 and 68.

Next, Anandan does not teach or suggest that a user activates a portable display unit of the plurality of portable display units to operate in a commercial establishment by providing identifying information as recited by Applicant in independent claims 44 and 68. The system in Anandan does not disclose the user activating the personal device and clearly does not disclose the user activating a personal device by providing personal information. The system in Anandan is able to identify the user by the tag that has been attached to the user personal device. See Anandan, paragraphs 0045 and 0046. As such, the system in Anandan does not have any need to activate a personal device by providing identifying information as recited by Applicant because the tag attached to the user's personal device in Anandan is able identify the user. Thus, since Anandan does not disclose a plurality of portable display units located in a commercial establishment for use by a plurality of users or a user activates a portable display unit of the plurality of portable display units to operate in a commercial establishment by providing identifying information, Applicant submits that Anandan cannot anticipate Applicant's independent claims 44 and 68.

Thus, since Anandan does not teach or suggest all of the limitations recited in independent claims 44 and 68, Applicant respectfully submits that Anandan does not anticipate Applicant's invention as recited in independent claims 44 and 68.

Therefore, for the reasons given above, independent claims 44 and 68 are believed to be distinguishable from Anandan and therefore are not anticipated nor rendered obvious by Anandan.

Dependent claims 45-67 and 69-80 are believed to be allowable as depending from what are believed to be allowable independent claims 44 and 68 for the reasons given above. In addition, claims 45-67 and 69-80 recite further limitations that distinguish over the applied art.

For the reasons provided below, it is submitted that at least several of claims 45-67 and 69-80 recite further limitations that distinguish over the applied art.

Claim 45 recites that the portable display unit comprises a user identification system to determine an identity of a user operating the portable display unit. Anandan, as understood by

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Applicant, does not teach or suggest this limitation and, as discussed above, does not have any need for such functionality. The Examiner alleges that Anandan teaches or suggests this limitation at the abstract and paragraphs 0003, 0007, 0009, 0011, 0012, 0013, 0026, 0027, 0028, 0035, 0037, 0041, 0043, 0044, 0062, 0065 and 0069. However, Applicant cannot identify any description or discussion in the Examiner's cited passages that relates to the limitation and requests that the Examiner specifically identify the passage in Anandan that the Examiner believes teaches the limitation.

Claims 47 and 72 recite that the user identification system comprises a substrate reader, and reading a loyalty card of a user with a personal display unit, respectively. Anandan, as understood by Applicant, does not teach or suggest these limitations and does not discuss any such functionality. The Examiner alleges that Anandan teaches or suggests this limitation at paragraphs 0032 and 0033. However, Applicant cannot identify any description or discussion in the Examiner's cited passages that relates to the limitation and requests that the Examiner specifically identify the passage in Anandan that the Examiner believes teaches the limitation.

Claims 48 and 73 recite that the user identification system includes the user interface of the portable display unit, and entering, by a user, a personal identification number and associated password into the portable display unit, respectively. Anandan, as understood by Applicant, does not teach or suggest these limitations and does not discuss any such functionality. The Examiner alleges that Anandan teaches or suggests this limitation at the abstract and paragraphs 0003, 0007, 0009, 0011, 0012, 0013, 0026, 0027, 0028, 0035, 0037, 0041, 0043, 0044, 0062, 0065 and 0069. However, Applicant cannot identify any description or discussion in the Examiner's cited passages that relates to the limitation and requests that the Examiner specifically identify the passage in Anandan that the Examiner believes teaches the limitation.

Claims 49 and 76 recite that the personalized information includes a personalized shopping list, and transmitting a personalized shopping list, respectively. Anandan, as understood by Applicant, does not teach or suggest these limitations and does not discuss any such functionality. The Examiner alleges that Anandan teaches or suggests this limitation at the abstract and paragraphs 0003, 0007, 0009, 0011, 0012, 0013, 0026, 0027, 0028, 0035, 0037, 0041, 0043, 0044, 0062, 0065 and 0069. However, Applicant cannot identify any description or discussion in the Examiner's cited passages that relates to the limitation and requests that the

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Examiner specifically identify the passage in Anandan that the Examiner believes teaches the limitation.

Claims 50 and 77 recite that the personalized information further includes information on products on the personalized shopping list that are located in proximity to the location of the portable display unit, and transmitting information on products on the personalized shopping list that are located in proximity to the location of the portable display unit, respectively. Anandan, as understood by Applicant, does not teach or suggest these limitations and does not discuss any such functionality. The Examiner alleges that Anandan teaches or suggests this limitation at paragraphs 0032 and 0033. However, Applicant cannot identify any description or discussion in the Examiner's cited passages that relates to the limitation and requests that the Examiner specifically identify the passage in Anandan that the Examiner believes teaches the limitation.

Claims 56 and 70 recite calculating the location of the portable display unit in a commercial establishment by at least one of biangulation techniques or triangulation techniques. Anandan, as understood by Applicant, does not teach or suggest these limitations and does not discuss any such functionality. The Examiner alleges that Anandan teaches or suggests this limitation at the abstract and paragraphs 0003, 0007, 0009, 0011, 0012, 0013, 0026, 0027, 0028, 0035, 0037, 0041, 0043, 0044, 0062, 0065 and 0069. However, Applicant cannot identify any description or discussion in the Examiner's cited passages that relates to the limitation and requests that the Examiner specifically identify the passage in Anandan that the Examiner believes teaches the limitation.

Claim 58 recites that the unique identifier of the portable display unit includes an infrared identification signal. Anandan, as understood by Applicant, does not teach or suggest these limitations and does not discuss any such functionality. The Examiner alleges that Anandan teaches or suggests this limitation at the abstract and paragraphs 0003, 0007, 0009, 0011, 0012, 0013, 0026, 0027, 0028, 0035, 0037, 0041, 0043, 0044, 0062, 0065 and 0069. However, Applicant cannot identify any description or discussion in the Examiner's cited passages that relates to the limitation and requests that the Examiner specifically identify the passage in Anandan that the Examiner believes teaches the limitation.

Claim 62 recites that the portable display unit comprises a scanning device and the scanning device is configured to read product barcodes scanned by the identified user. Anandan,

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as understood by Applicant, does not teach or suggest these limitations and does not discuss any such functionality. The Examiner alleges that Anandan teaches or suggests this limitation at the abstract and paragraphs 0003, 0007, 0009, 0011, 0012, 0013, 0026, 0027, 0028, 0035, 0037, 0041, 0043, 0044, 0062, 0065 and 0069. However, Applicant cannot identify any description or discussion in the Examiner's cited passages that relates to the limitation and requests that the Examiner specifically identify the passage in Anandan that the Examiner believes teaches the limitation.

Claims 65 and 80 recite transmitting the personalized information to the portable display unit as a web page using hypertext markup language. Anandan, as understood by Applicant, does not teach or suggest these limitations and does not discuss any such functionality. The Examiner alleges that Anandan teaches or suggests this limitation at the abstract and paragraphs 0003, 0007, 0009, 0011, 0012, 0013, 0026, 0027, 0028, 0035, 0037, 0041, 0043, 0044, 0062, 0065 and 0069. However, Applicant cannot identify any description or discussion in the Examiner's cited passages that relates to the limitation and requests that the Examiner specifically identify the passage in Anandan that the Examiner believes teaches the limitation.

Claim 66 recites that the server computer is configured to permit a user to access the Internet using the portable display unit. Anandan, as understood by Applicant, does not teach or suggest these limitations and does not discuss any such functionality. The Examiner alleges that Anandan teaches or suggests this limitation at the abstract and paragraphs 0003, 0007, 0009, 0011, 0012, 0013, 0026, 0027, 0028, 0035, 0037, 0041, 0043, 0044, 0062, 0065 and 0069. However, Applicant cannot identify any description or discussion in the Examiner's cited passages that relates to the limitation and requests that the Examiner specifically identify the passage in Anandan that the Examiner believes teaches the limitation.

In conclusion, it is respectfully submitted that claims 44-80 are not anticipated nor rendered obvious by Anandan and are therefore allowable.

CONCLUSION

In view of the above, Applicant respectfully requests reconsideration of the Application and withdrawal of the outstanding rejections. As a result of the amendments and remarks presented herein, Applicant respectfully submits that claims 44-80 are not anticipated by nor rendered obvious by Anandan and thus, are in condition for allowance. As the claims are not

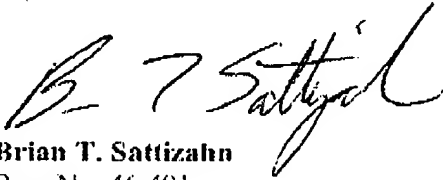
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anticipated by nor rendered obvious in view of the applied art, Applicant requests allowance of claims 44-80 in a timely manner. If the Examiner believes that prosecution of this Application could be expedited by a telephone conference, the Examiner is encouraged to contact the Applicant.

The Commissioner is hereby authorized to charge any additional fees and credit any overpayments to Deposit Account No. 50-1059.

Respectfully submitted,
McNEES, WALLACE & NURICK

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